



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,792	10/18/2000	Yakov Kamen	ISURFTVI16	5769

52940 7590 09/08/2006

TODD S. PARKHURST  
HOLLAND & KNIGHT LLP  
131 S. DEARBORN STREET  
30TH FLOOR  
CHICAGO, IL 60603

EXAMINER

SALTARELLI, DOMINIC D

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/691,792

Applicant(s)

KAMEN ET AL.

Examiner

Dominic D. Saltarelli

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed August 2, 2006 have been fully considered but they are not persuasive. Applicant's argue that neither Nokolovska or Borsuk disclose "a request for a use of a different font type and/or a use of a different font size and/or a use of a different font style and/or a use of a different background" (applicant's remarks, page 1, lines 15-19). However, these claimed limitations are presented in the alternative style "and/or" and thus only one of the listed features are required to be taught by the prior art to anticipate the claimed limitation. Applicant admits that Borsuk teaches allowing the use of different font size, and thus the claim limitation in question is rendered obvious by the prior art.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolovska et al. (6,281,898, of record) [Nikolovska] in view of Borsuk (5,233,333, of record) and Beer (5,793,368, of record).

Regarding claim 1, Nikolovska discloses a system for providing an electronic program guide (EPG) presentation (figs. 1-6) for use with a receiver (fig. 7) for displaying programs from a plurality of program sources on a plurality of user-selectable channels (the third axis 104 lists the available channels, col. 2, lines 55-65) comprising an EPG presentation generator (fig. 7, processor 2) for generating a displayable EPG presentation (as shown in figs. 1-6), wherein the EPG presentation can be displayed as a three-dimensionally set of three-dimensional surfaces textured by special pre-processed scheduling data (as shown in figs. 1-6, col. 2, lines 41-65) and a signal filter (col. 3, lines 7-12) that is based on an input provided by a user (such as highlighting and selection of items, col. 3, lines 52-67).

Nikolovska fails to disclose the input provided by the user is a request for the use of a different font size and a morphing engine including a database of different EPG presentation solutions, and based on a control command generated by a signal filter, one of said solutions is selected from said database for display.

In an analogous art, Borsuk teaches providing a user with the option and means to change the font size of displayed text (col. 4, lines 54-60) to accommodate reading of the displayed text by the visually impaired (col. 1, lines 5-15).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Nikolovska to include offering the choice of

Art Unit: 2623

different font sizes to users, as taught by Borsuk, enabling users either see more EPG listing information at once, or to make the EPG listings larger and easier to read.

Nikolovska and Borsuk fail to disclose a morphing engine including a database of different EPG presentation solutions, and based on a control command generated by a signal filter, one of said solutions is selected from said database for display.

In an analogous art, Beer discloses a user interface system including a morphing engine (resident PGUI which controls the display, col. 3, lines 50-67) including a database of different presentation solutions (UIL user interface descriptions saved in the local storage unit for later retrieval, col. 3, lines 50-67), and based on a control command (user input) generated by a signal filter (the interface which accepts input from the user input devices, such as pointing device or keyboard, col. 3, lines 16-25), one of said solutions is selected from said database for display (col. 3, lines 23-25), providing the benefit of allowing a user to select from a variety of different styles for a user interface (col. 3, lines 23-25).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system of Nikolovska and Borsuk to include a morphing engine including a database of different presentation solutions, and based on a control command generated by a signal filter, one of said solutions is selected from said

database for display, as taught by Beer, for the benefit of allowing a user to select from a variety of different styles for the EPG interface.

Regarding claim 4, Nikolovska, Borsuk, and Beer disclose the system of claim 1, wherein the morphing engine comprises a set of parametrical functions (Beer's 'widgets', col. 3, lines 50-67) and a control command generated by the signal filter creates a request for a specific function and its parameters (Beer teaches users can selectively add, delete, select, and modify said widgets, col. 3, lines 50-67).

Regarding claim 5, Nikolovska, Borsuk, and Beer disclose the system of claim 1, wherein the morphing engine comprises a mix of presentation solutions and functions, and a control command generated by the signal filter creates a request for one of said solutions (Beer teaches users may select a visual style, col. 3, lines 23-25, in addition to selecting individual 'widgets', col. 4, lines 50-67).

Regarding claim 6, Nikolovska, Borsuk, and Beer disclose the system of claim 1, wherein the morphing engine comprises a mix of presentation solutions and functions, and a control command generated by the signal filter creates a request for a specific function and its parameters (Beer teaches users may select individual 'widgets', col. 4, lines 50-67, in addition to selecting a visual style, col. 3, lines 23-25).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nikolovska, Borsuk, and Beer as applied to claim 1 above, and further in view of Kikinis (6,205,485, listed on the PTO-1449 filed 01/31/02).

Regarding claim 8, Nikolovska, Borsuk, and Beer disclose the system of claim 1, but fail to disclose the signal filter is based on input from a broadcaster.

In an analogous art, Kikinis teaches receiving commands (command bearing tags, col. 4, lines 44-58) from a broadcaster (transmission is performed via satellite, col. 4, lines 38-43 and col. 5, lines 8-12) which control the display presented to a user (col. 7 line 47 – col. 8 line 9), enabling the broadcaster to control the information presented to a user in the most beneficial manner (col. 5, lines 13-32).

It would have been obvious at the time to a person of ordinary skill in the art to modify the system disclosed by Nikolovska, Borsuk, and Beer to base the signal filter on input from a broadcaster, as taught by Kikinis, for the benefit of enabling the broadcaster to control the display presented to the user in the manner most beneficial to the broadcaster and the programming providers.

### ***Conclusion***

5. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2623

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.



Art Unit: 2623

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Art Unit: 2623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS

  
HAITRAN  
PRIMARY EXAMINER